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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,095	12/21/2000	Benyahia Nasli-Bakir	BAKIR 5121	6681

7590

11/01/2004

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EXAMINER
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KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/741,095

Applicant(s)

NASLI-BAKIR ET AL.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claim 18 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 18 is a different species of bonding than claim 1

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 18 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application contains claims directed to the following patentably distinct species of the claimed invention: Currently presented method claims 1-17 (and the previously present claims) are directed towards a species of bonding, wherein the controlling of the glue component is a function of the height position in the lamella, from the first lamina to the last lamina. Claim 18 is a different species directed towards non-linear application of pressure and variation over the width and length position in the lamella.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US Patent 4,806,183).

Williams discloses an apparatus for the controlled application of glue to elements to be assembled to a composite structure comprising element feeders (drive rollers 36a, 36b, and 36c), a glue applicator (item 42), and a control unit (items 30, 32 and 34), said control unit being programmable (see column 4, line 60), such that it adjusts the speed of drive rollers and the adhesive applicator rolls 38a, 38b, and 38c which inherently adjusts the amount of glue applied. In addition, the controller also controls the nip of the adhesive rollers, which also controls the amount of glue applied (see column 7, lines 46 to column 8, lines 44). The thin layers in Williams meet the definition of lamella (which is thin layers) and final product is a laminate product or beam or sheet. The control structure storing the program used to control the speed of the drive rollers element feeder (which also controls glue application) and nip dimensions is consider capable of being used to apply a glue amount as a function of a lamella stacking time between glue application and pressing for a given element.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Detlefsen (US Patent 4,961,795).

Detlefsen discloses a method of manufacturing composite products, such as plywood, which are laminated beams formed from a plurality of lamella (see column 8, which talks about plys), wherein a plurality of lamellas are assembled by gluing them together under pressure, comprising the steps of:

- 1) providing a number of lamellas to be assembled (col. 10, line 13-21)
- 2) applying glue to at least one surface of each lamella (col. 10, 32-40)
- 3) assembling the lamellas to the desired structure (col. 10, line 41-42)

4) subjecting the assembled lamellas to pressure in a press (col. 10, line 43-45)

5) controlling the amount of at least one component of the glue applied at a specific point of glue application on an element, to be a function of the waiting time it takes before the point of glue application is subjected to the pressure in the press (see especially column 10, lines 46 which disclose modifying the resin to reduce the cure time.)

Furthermore, starting from the centermost to the outermost element, Detlefsen discloses adjusting the ratio of the components of glue. Since Detlefsen discloses that the amount of a glue component is a function of position and number of elements in the stack, and since the lamella stacking time (as defined by applicant) is a function of the waiting time which is a function of the position and number of elements in the stack, Detlefsen does disclose adjusting a component of the glue as a function of the lamella stacking time. This results in the controlled glue component being applied to the lamella in a manner such that the amount of component varies as a function of the relative position of the lamella in the lamella assembly from a first applied lamella constituting a lower surface of said assembly to a last applied lamella constituting an upper surface, in this case, increasing from lower to center, and then decreasing from center to lower.

As to claim 2, Detlefsen discloses that the glue or binder is a multicomponent resin that uses an accelerator, i.e., hardener, to adjust the lamella stacking times (see especially column 10, lines 62-68).

As to claim 3, Detlefsen discloses that adding or increasing the ratio of accelerator to glue decreases the lamella stacking time.

6. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujii (US Patent 5,665,197).

As to claim 17, Fujii discloses an apparatus for making veneer plies, i.e., laminated beams made of lamellas, comprising a lamella feeder (item 111), a glue applicator (item 112) and a control unit (item 125), and that the control unit controls the feed rate of the system (see column 11, lines 1-50), thus controlling the glue sequence and the glue amount. Fujii further discloses, in column 6, lines 41-46, that the glue application can be selected from a none to a target amount, the amount be determined by considering at least the product to be made and the type of glue used. The program used to control the speed of the lamella feeder (which also controls glue application) and the selectability of the predetermined glue amounts provides the capability of being optimized to apply a glue amount as a function of the lamella stacking time which is a function of a waiting time between glue application and pressing for a given element.

As to claim 14, Fujii also discloses a lamella stacking unit (item 118) and presses (item 197).

As to claims 15 (if taken to be dependent on claim 14) and 16, Fujii controls the rate of glue application by controlling the speed of the lamella through the overall system, including the feeder.

***Claim Rejections - 35 USC § 103***

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii (US Patent 5,665,197) in view of Steinberg (US Patent 3,582,428).

As to claim 17, Fujii discloses an apparatus for making veneer plies, i.e., laminated beams made of lamellas, comprising a lamella feeder (item 111), a glue applicator (item 112) and a control unit (item 125), and that the control unit controls the feed rate of the system (see column 11, lines 1-50), thus controlling the glue sequence and the glue amount. Fujii further discloses, in column 6, lines 41-46, that the glue application can be selected from a none to a target amount, the amount be determined by considering at least the product to be made and the type of glue used. The program used to control the speed of the lamella feeder (which also controls glue application) and the selectability of the predetermined glue amounts provides the capability of being



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optimized to apply a glue amount as a function of the lamella stacking time which is a function of a waiting time between glue application and pressing for a given element. However, Fujii does not explicitly disclose controlling the glue applicator and lamella feeder to provide an optimal amount of applied glue as a function of the lamella stacking time.

However, Steinberg recognizes controlling the glue applicator and lamella feeder to provide an optimal amount of applied glue as a function of the lamella stacking time (column 3). Steinberg discloses doing so would produce an optimum bond in each of the component bonds (see column 4, line 17-22), rather than the average best bond of the prior art (column 1, lines 46-50). Therefore, it would have been to use a control unit that provides for controlling the glue applicator and lamella feeder to provide an optimal amount of applied glue as a function of the lamella stacking time in order to ensure optimal bonds in each component bond.

As to claim 14, Fujii also discloses a lamella stacking unit (item 118) and presses (item 197).

As to claims 15 (if taken to be dependent on claim 14) and 16, Fujii controls the rate of glue application by controlling the speed of the lamella through the overall system, including the feeder.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlefsen (US Patent 4,961,795) as applied above, and further in view of Steinberg (US Patent 3,582,428).

Detlefsen discloses a method of manufacturing composite products, such as plywood, which are laminated beams formed from a plurality of lamella (see column 8, which talks about plys), wherein a plurality of lamellas are assembled by gluing them together under pressure, comprising the steps of:

- 1) providing a number of lamellas to be assembled (col. 10, line 13-21)
- 2) applying glue to at least one surface of each lamella (col. 10, 32-40)
- 3) assembling the lamellas to the desired structure (col. 10, line 41-42)
- 4) subjecting the assembled lamellas to pressure in a press (col. 10, line 43-45)
- 5) controlling the amount of at least one component of the glue applied at a specific point of glue application on an element, to be a function of the waiting time it takes before the point of glue application is subjected to the pressure in the press (see especially column 10, lines 46 which disclose modifying the resin to reduce the cure time.)

Furthermore, starting from the centermost to the outermost element, Detlefsen discloses adjusting the ratio of the components of glue. Since Detlefsen discloses that the amount of a glue component is a function of position and number of elements in the stack, and since the lamella stacking time (as defined by applicant) is a function of the waiting time which is a function of the position and number of elements in the stack, Detlefsen does disclose adjusting a component of the glue as a function of the lamella stacking time. This results in the controlled glue component being applied to the lamella in a manner such that the amount of component varies as a function of the relative position of the lamella in the lamella assembly from a first applied lamella constituting a

lower surface of said assembly to a last applied lamella constituting an upper surface, in this case, increasing from lower to center, and then decreasing from center to lower.

In any event, Steinberg also discloses adjusting the component of glue, (the total amount) as a function of the stacking time (see column 3). Steinberg discloses that such progressive alterations of amounts allow for improved bonding (column 4, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have adjusted a component of the glue as a function of the lamella stacking time in order to achieve optimal bonding in all lamellas.

As to claim 2, Detlefsen discloses that the glue or binder is a multicomponent resin that uses an accelerator, i.e., hardener, to adjust the lamella stacking times (see especially column 10, lines 62-68).

As to claim 3, Detlefsen discloses that adding or increasing the ratio of accelerator to glue decreases the lamella stacking time.

11. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cone et al (US Patent 3,895,984), Gibson et al (US Patent 5,948,188) and Detlefsen et al (4,961,795).

Cone discloses an apparatus for the manufacture of composite products such as laminated beams made of lamellas, comprising an element feeder (item 120, 122, 124) which can feed lamellas, glue applicator (item 70) and a press (item 144). Cone also discloses a control unit for controlling the dispensing of adhesive. The control unit is capable of being adjusted, i.e., programmed, to provide an optimal applied glue amount

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by adjusting the air injected into the glue. The program used to control the optical applied glue provides the capability of being optimized to apply a glue amount as a function of the lamella stacking time which is a function of a waiting time between glue application and pressing for a given lamella. Cone discloses that the lamellas are stacked between the glue applicator and the press, but does not disclose the details of the stacking unit.

Gibson discloses a stacking unit that receives previously glued elements, i.e. lamellas, stacks them, and transfers the stacked elements or lamellas into a press (Figures 1 and 2). Gibson discloses that such a stacking unit improves the alignment of the elements (see column 2, lines 29-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the stacking substructure of Gibson in the overall apparatus of Cone order to ensure proper alignment and increased production efficiency.

As to claim 16, Cone is capable of adjusting the glue amount by adjusting the air quantity injected into the glue, which adjusts the rate of glue application to the elements.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cone, Gibson and Detlefsen as applied to claim 14 above, and further in view of Williams (US Patent 4,806,183).

Cone and Gibson as applied to claim 14 do not disclose that the control sequence control the speed of the movement of the feeder and thus the elements or lamellas through the glue applicator.

Williams discloses a control unit (items 30, 32 and 34), said control unit being programmable (see column 4, line 60), such that it adjusts the speed of drive rollers and the adhesive applicator rolls 38a, 38b, and 38c which inherently adjusts the amount of glue applied. Such a system is capable of utilizing either discrete or continuous elements. One in the art would appreciate that utilizing a speed control system allows for quicker and finer adjustment of the glue application process by avoiding the need for minute changes in the glue dispensing system which are vulnerable to irregularities due to clogging and setting of the glue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a speed control system as in Williams for adjusting the glue application in the overall apparatus of Cone and Gibson in order to ensure efficient and error free glue quantity application.

13. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlefsen as applied to claims 1-3 above, or Detlefsen and Steinberg as applied to claims 1 and 3 above, and further in view of the admitted prior art.

Detlefsen in claims 1-3 disclose that it is known to adjust the waiting time the glue from lamella to lamella such that the innermost, or last lamella, has a shorter waiting time. Detlefsen does not disclose that the glue is a two-component glue.

The admitted prior art discloses that it is known that the waiting time of glue can be adjusted by changing the glue quantity (see specification, page 1, lines 15-17, which state that the waiting time is dependent on glue quantity) for either one or two component glues. One in the art would appreciate that utilizing modified quantities of

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glue with different waiting times as suggested by the admitted prior art with the suggestion of Detlefsen to used different waiting times from lamella to lamella would allow for all the elements to be bonded at the same time and under the same pressure and temperature.

Similarly, as to claims 5 and 6, Detlefsen and/or Detlefsen with Steinberg discloses that it is known to adjust the quantity from lamella to lamella, and using the concept of changing glue quantity to change the waiting time as suggested in the admitted prior art, this would lead to constant glue on an element, but differences from lamella to lamella such that the first lamella, receives the a smaller amount of glue.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Detlefsen and the admitted prior art, or Detlefsen, Steinberg, and the admitted prior art as applied to claims 4 above, and further in view of any of Payzant (US 2,205,600), Dike (US 2,178,566), Dike (US 2,282,177) and Warren (US 3,362,120).

Detlefsen and the admitted prior art do not disclose applying the glue in a varied manner.

Applying the glue in a varied manner is well known and conventional, especially when the lamellas are later subjected to a pressing operation which can spread the glue out under pressure before full setting occurs, as shown by any of Figure 1 of Dike '177, Figure 1 of Dike '566, Figure 7 of Payzant, and Figure 3 of Warren. The motivation for doing such is that it is known that subsequent pressing operations would spread the glue (for example, see the distributed glue layer in Figure 3 of Dike '566 which is

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subsequent to a pressing operation). One in the art would appreciate that using a varied manner of applying the glue would result in less overall glue being used, and would reduce the cost of production. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have used a varied manner of applying glue in order to reduce the production cost of producing the laminated final product.

15. Claims 8-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlefsen and the admitted prior art, or Detlefsen, Steinberg and the admitted prior art as applied to claims 4-6 above, and further in view of Fujii (US Patent 5,665,197).

As to claims 8-9, Detlefsen does not disclose controlling the amount of glue by controlling the speed of movement of the lamellas.

Fujii discloses that the control unit controls the feed rate of the system (see column 11, lines 1-50), thus controlling the glue sequence and the glue amount. Thus, the amount of glue applied is controlled by controlling the rate of application of glue onto the surface of the lamellas by controlling the speed of movement of the lamellas. One in the art would appreciate that utilizing a speed control system allows for quicker and finer adjustment of the glue application process by avoiding the need for minute changes in the glue dispensing system which are vulnerable to irregularities due to clogging and setting of the glue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a speed control

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system as in Fujii for adjusting the glue application in the overall of Detlefsen and the admitted prior art in order to ensure efficient and error free glue quantity application.

As to claim 10, Fujii discloses that the apparatus is capable of varying the speed of movement from one lamella to another. Detlefsen and the admitted prior art combine make obvious that adjusting the glue from lamella to lamella would reduce waiting times and glue overuse. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have varied the speed of movement from lamella to lamella in order to adjust the waiting times and improve production efficiency.

As to claims 12 and 13, Fujii moves continuously, and is capable of moving stepwise.

16. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Detlefsen, the admitted prior art and Fujii, or Detlefsen, Steinberg, the admitted prior art, and Fujii as applied to claims 8 above, and further in view of any of Payzant (US 2,205,600), Dike (US 2,178,566), Dike (US 2,282,177) and Warren (US 3,362,120).

Detlefsen, the admitted prior art and Fujii do not disclose applying the glue in a varied manner.

Applying the glue in a varied manner is well known and conventional, especially when the elements are later subjected to a pressing operation which can spread the glue out under pressure before full setting occurs, as shown by any of Figure 1 of Dike '177, Figure 1 of Dike '566, Figure 7 of Payzant, and Figure 3 of Warren. The motivation for doing such is that it is known that subsequent pressing operations would



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spread the glue (for example, see the distributed glue layer in Figure 3 of Dike '566 which is subsequent to a pressing operation). One in the art would appreciate that using a varied manner of applying the glue would result in less overall glue being used, and would reduce the cost of production. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have used a varied manner of applying glue in order to reduce the production cost of producing the laminated final product.

### ***Response to Arguments***

17. Applicant's arguments filed 7/15/2004 have been fully considered but they are not persuasive.

18. In response to applicant's argument, with regard to *apparatus* claims 14-17, that the control units of Williams (17 alone) and/or Fujii, either with or without Steinberg (claims 14-17) do not disclose a control unit for controlling glue application as a function of the stacking time, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re*

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*Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, applicant has claimed an apparatus, comprising, among other elements, a control unit being *programmable* to run these various programs. The claims do not require these programs, just merely the capability to run them.

19. A similar argument as to that above can be applied to the rejections of claims 14-16 based on Cone, Gibson, Detlefsen and (in the case of claim 15), Williams.

20. With regard to applicants arguments that Detlefsen failing to anticipate claim 1, it is noted that the claim merely requires that the amount of component "vary as a function of the relative position of the lamella" but does not set out what that function should be. Therefore, the proposed function of Detlefsen (wherein it decreases from the lower lamella to the center, and then increases from the center to the upper lamella) meets the limitation of the claim.

21. In any event, claims 1-3 are rejected over Detlefsen in view of Steinberg.

22. With regard to applicants assertion that Steinberg is different from the claimed invention since Steinberg relates to the assembly of plywood veneer, this argument is not considered persuasive. First of all, the examiner does not agree to applicant's assertion that a plywood veneer is excluded by the language "lamella assembly into beams" or similar language. Lamellas are merely thin layers, and veneers are also thin layers. Plywood could be used as a construction beam if the design called for it.

Secondly, even if it were accepted that plywood veneers and lamella assembly into beams were exclusive concepts, the examiner does not agree that one familiar with one would not be familiar with the other in a search for solutions. Both fields are

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directed towards laminated, preferably wood-based, products. As such, they have dramatic overlap, and one searching for a solution to the stacking time problem would clearly look in these fields for a solution.

### ***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

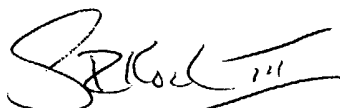
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III  
Patent Examiner  
Art Unit 1734

GRK  
10/28/2004



**CHRIS FIORILLA**  
**SUPERVISORY PATENT EXAMINER**

*Au 1734*